

1 **JOHN E. HILL (Bar No. 45338)**  
2 **MICHAEL P. GUTA (Bar No. 121509)**  
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8 **Attorneys for Plaintiffs**

9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12

13 **PAMELA THOMPSON, Individually and as**  
14 **Personal Representative of CHARLES**  
15 **THOMPSON, Deceased,**

16 **Plaintiff,**

17 **v.**

18 **CONSECO SENIOR HEALTH INSURANCE**  
19 **COMPANY, a Pennsylvania corporation,**  
20 **DOES I through XX**

21 **Defendant (s).**

22 **Case No. C 07-05437 MEJ**

23 **NOTICE OF MOTION TO**  
24 **ENFORCE SETTLEMENT**  
25 **AGREEMENT**

26 **Date: October 1, 2008**

27 **Time: 9:00 a.m.**

28 **Place: Courtroom B**  
**Hon. Phyllis Hamilton**

TO DEFENDANTS AND THEIR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on October 1, 2008 at the hour of 9:00 a.m. or as soon thereafter as the matter may reasonably be heard, in Courtroom B of the above-entitled Court before the Hon. Phyllis Hamilton, Plaintiff PAMELA THOMPSON will move to enforce the settlement of the instant matter, entered into May 29, 2008 and request attorney's fees under 28 U.S.C. 1927 in the amount of \$1,750.00.

Said motion will be made on the following grounds: The parties stipulated in the settlement that the agreement was enforceable under Code of Civil Procedure Section 664.6. Defendant has

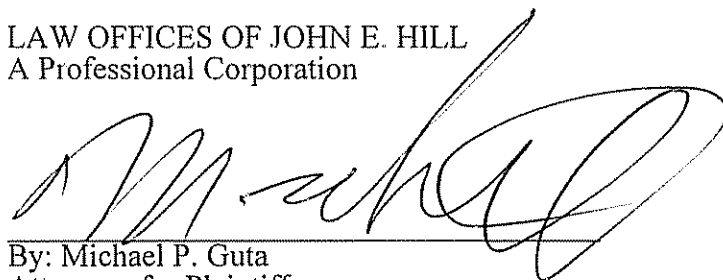
1 refused to perform under that agreement.

2  
3  
4 Said motion will be based on the instant notice, the accompanying Memorandum of Points  
5 and Authorities, the accompanying Declaration of Michael P. Guta, all files and records in the instant  
6 case, and on such evidence, oral and documentary, as may be presented at the hearing on the instant  
7 motion.

8  
9 Dated:

8/27/08

LAW OFFICES OF JOHN E. HILL  
A Professional Corporation



By: Michael P. Guta  
Attorneys for Plaintiff

PROOF OF SERVICE

I, Michael R. Sher, do hereby declare as follows:

I am employed in the City of Oakland and the County of Alameda, California. I am over the age of 18 years and not a party to the within action. My business address is Law Offices of John E. Hill, 8105 Edgewater Drive, Suite 100, Oakland, California 94621.

On 8/27, 2008, I served the within: NOTICE OF MOTION TO ENFORCE SETTLEMENT AGREEMENT, SUPPORTING POINTS AND AUTHORITIES, DECLARATION OF MICHAEL P. GUTA, by placing a true copy thereof in a sealed envelope, addressed as follows:

Law Offices of Marc J. Wodin  
23901 Calabasas Road, Ste 1076  
Calabasas, CA 91302  
(818) 595-3490  
Fax: (818) 595- 3494

X (By Electronic Filing) By filing pursuant to the rules of United States District Court, Northern District of California

(By Mail) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Oakland, California.

(By Personal Service) I caused each such envelope to be delivered by hand to the offices of each addressee above.

(Telecopier) I caused each such document to be delivered by telecopier to the offices of each addressee above.

(Federal Express Mail) I caused each such document to be delivered by hand to the offices of each addressee by Federal Express, over night service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/27 2008, at Oakland, California.

  
MICHAEL R. SHER

NOTICE OF MOTION TO ENFORCE  
SETTLEMENT